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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-10-00681-CW
)	
11 Plaintiff,)	
)	STIPULATED REQUEST TO CONTINUE
12 v.)	HEARING DATE TO DECEMBER 20,
)	2010 AND TO EXCLUDE TIME UNDER
13 TYRONE LAVAR HUMPHREY,)	THE SPEEDY TRIAL ACT AND
)	PROPOSED ORDER
14 Defendant.)	
)	Hearing Date: November 17, 2010
)	Time: 10:00 a.m.
16)	

17 The above-captioned matter is set on November 17, 2010 before this Court for a status
18 hearing. The parties jointly request that the Court continue the matter to December 20, 2010, at
19 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
20 3161(h)(7)(A) and (B)(iv), between November 17, 2010 and December 20, 2010.

21 On September 16, 2010, a Federal Grand Jury charged Mr. Humphrey with conspiracy to
22 interfere with commerce by robbery and extortion in violation of 18 U.S.C. § 1951(a), armed
23 bank robbery in violation of 18 U.S.C. § 2113(a) & (d), and forced accompaniment in violation
24 of 18 U.S.C. 2113(e). If convicted, Mr. Humphrey faces a mandatory minimum sentence of 10
25 years for the forced accompaniment charge, and a maximum sentence of 25 years for the armed
26 bank robbery count.

1 The current status of the case is that the parties are negotiating this matter and anticipate
2 that there may be a negotiated disposition of the case. If there is a negotiated disposition, the
3 parties plan to submit a proposed plea agreement to the Court at least two days in advance of the
4 requested hearing date. In the meantime, on September 17, 2010 and on October 26, 2010, the
5 government produced discovery to the defense and defense counsel needs additional time to
6 review and process the discovery provided. The defense also requires additional time to prepare
7 an investigation of the circumstances of the offense and to assess and confirm Mr. Humphrey's
8 Guidelines range.

9 The requested continuance will allow the defense time to complete its review of the
10 discovery, to investigate the underlying facts of the case, and to research and to confirm Mr.
11 Humphrey's Guidelines range. For this reason, the parties agree that the failure to grant this
12 continuance would unreasonably deny counsel for defendant the reasonable time necessary for
13 effective preparation, taking into account the exercise of due diligence.

14 The parties further stipulate and agree that the ends of justice served by this continuance
15 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
16 parties agree that the period of time from November 17, 2010 to December 20, 2010, should be
17 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
18 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
19 diligence.

20
21 DATED: November 15, 2010

/S/
SUZANNE B. MILES
Assistant United States Attorney

22
23
24 DATED: November 15, 2010

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby

FINDS:

1. Given defense counsel's need to complete its review the discovery that was recently produced;
2. Given that the defense needs additional time to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;
3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of November 17, 2010, scheduled at 10:00 a.m., is vacated and reset for December 20, 2010, at 10:00 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from November 17, 2010 to December 20, 2010.

November 16, 2010



LAUREL BEELER
United States Magistrate Judge